



**MINUTES OF THE MEETING OF
THE CABINET**

**TUESDAY 10 MARCH 2020
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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Committee Members Present:

Councillor S Akhtar
Councillor J Goodfellow
Councillor N Hampshire
Councillor W Innes (Convener)
Councillor J McMillan
Councillor F O'Donnell

Other Councillors Present:

Councillor F Dugdale
Councillor J Henderson

Council Officials Present:

Ms M Patterson, Chief Executive
Mr A McCrorie, Depute Chief Executive – Resources and People Services
Mr J Lamond, Head of Council Resources
Ms S Saunders, Head of Communities and Partnerships
Mr D Proudfoot, Head of Development
Ms J Tait, Chief Operating Officer, Children's Services
Ms L Brown, Chief Operating Officer, Education
Mr J Coutts, Service Manager – Community Housing and Homelessness
Ms K MacNeill, Service Manager – People and Governance
Ms E Clater, Service Manager – Children's Services
Ms Z McFadzean, HR Business Partner
Ms G Scott, HR Adviser
Ms P Gray, Communications Adviser

Clerk:

Ms A Smith

Apologies:

None

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – CABINET 21 JANUARY 2020

The minutes of the meeting of the Cabinet of 21 January 2020 were approved.

2. COUNCIL HOUSE ALLOCATIONS TARGETS FOR 2020/21

A report was submitted by the Head of Development seeking Cabinet approval for Council House Allocation Targets for the period 1 April 2020 to 31 March 2021.

James Coutts, Service Manager – Community Housing and Homelessness, presented the report. He informed Members that there were 3,200 applications on the housing list. The Council had to give reasonable preference to certain statutory groups, most of which were in the General Needs group, which accounted for 82% of the housing list. He highlighted the significant efforts made to encourage transfer activity in order to make the best use of stock. He drew attention to the proposed targets for the General Needs, Transfers and Sustainable Communities groups. He reported that there had been a delay in bringing Local Lettings Plans forward but all would be live from April.

Responding to questions Mr Coutts clarified that the policy did enable the Council to help people with little or low assessed need to be offered a house.

Councillor Goodfellow welcomed that there would be Local Lettings Plans in all areas of the county, these would go a long way towards achieving sustainable communities. The Council, under this Administration, was now moving forward with a significant increase in new council housing, for 1,200 houses by 2025.

The Convener also welcomed the progress with Local Lettings Plans. All areas would soon have these, which would help to address imbalances in communities. Allocations targets were always contentious but the Council made the best use of its housing stock.

Decision

The Cabinet agreed:

- i. to approve the recommended targets detailed in Section 3.22 of this report,
- ii. to note that performance against these targets was reviewed on a weekly basis and that such review formed part of the analysis in setting future targets in 2020/21 and beyond; and
- iii. to note that ongoing regular monitoring of performance had been embedded within the Community Housing Performance Management Framework.

3. GLOBAL UK RESETTLEMENT SCHEME/ASYLUM SEEKERS

A report was submitted by the Head of Development seeking approval in principle to participate in the new global UK Resettlement Scheme that would commence in April 2020, which would subsume the current Syrian Resettlement Programme and to subsequently advise COSLA of this in principle commitment. The report also asked Cabinet to note the Council's position in respect of the National Transfer Scheme and asylum seekers generally.

Mr Coutts presented the report. He stated that both schemes were fully funded by the Home Office. He drew attention to the financial implications detailed in the report. The new global UK Resettlement Scheme would aim to resettle approximately 5,000 people in the UK in its

first year 2020/21; Scotland would be expected to resettle 500 people (10%), East Lothian's pro-rata would be 10 people. He highlighted aspects of the Vulnerable Children's Resettlement Scheme (VCRS), the Unaccompanied Asylum-Seeking Children (UASC), and the Asylum Seekers Dispersal Scheme (ASDS). He reported that not all asylum seekers arrived in a location through one of the above schemes; some arrived independently and often after harrowing international journeys. Since August 2017, 5 young people had presented here as "spontaneous arrivals". They had all been under-18 and as such were classified as looked after, with the Council obligated under legislation to its Corporate Parenting responsibilities, resulting in a high level of financial and practical support needs.

Officers, responded to questions. Councillor Hampshire queried whether the broad range of support needed could be provided on a regional basis, as this could be difficult for a small local authority to be able to provide. Mr Coutts advised that tenancy support was provided to each family. His team had not had discussions with other local authorities but Children's Services officers were in dialogue with their counterparts in other areas. Emma Clater, Service Manager – Children's Services, clarified that Children's Services were in contact with colleagues in the Scottish Borders Council, Midlothian Council and West Lothian Council. The focus at present was on sharing knowledge. Sharing resources was being looked at but was in the very early stages. Councillor Hampshire reiterated the desirability for a regional support facility; Mr Coutts indicated that this would be pursued.

Councillor O'Donnell, referring to Appendix 1, the COSLA report, asked about the response from the Home Office. Monica Patterson, Chief Executive, indicated this was an ongoing issue not fully resolved. Judith Tait, Chief Operating Officer for Children's Services, added that officers attended regular meetings at COSLA and received regular updates but there was no indication that the Home Office would change its position. Mr Coutts informed Members that Glasgow City Council and COSLA had sent a forceful letter to the Home Office regarding the lack of funding and support being provided to local authorities. The Convener remarked that if spontaneous arrivals were outwith a formal resettlement scheme, so no Home Office support was provided, then COSLA should have been arguing that this new umbrella framework should have included this group. Mr Coutts said that COSLA was lobbying vigorously; he clarified that spontaneous arrivals were not part of the new scheme.

Responding to further questions from Councillor O'Donnell, Ms Clater gave details of potential routes into East Lothian, advising that on arrival an interagency referral would be triggered which involved officers from social work, police and the health service. She outlined the process from that point. She also gave an example of a particular case. She stressed that this was a long complicated process. Since August 2017 the Council had spent £355,000 on these 5 young people, which excluded staff costs; the Home Office had provided £30,000. Regarding how long it took for an asylum application, she said this took 1/1½ years, adding that an age assessment could add further complications.

Opening the debate, Councillor O'Donnell stated that the response of communities across East Lothian had been very positive in welcoming people, she thanked all these communities. She also praised the efforts of staff in helping these traumatised young people.

Councillor McMillan echoed those comments. He indicated that this was a very serious challenge for such a small county however in providing the support required.

Councillor Akhtar stressed the importance of continued working with neighbouring local authorities. The Council needed to fully share its experience with COSLA and the Home Office and continue lobbying for full funding.

The Convener agreed with Councillor Akhtar. East Lothian had a proud history of stepping up when required. The people arriving here had clearly been affected by hugely traumatic

events and needed to be treated with respect. Funding was an issue and COSLA should use its powers to address this and continue to lobby the Home Office.

Decision

The Cabinet agreed:

- i. to participate in the new global resettlement scheme in principle; and
- ii. to note the Council’s position in respect of asylum seekers generally.

4. REVISED CODE OF CONDUCT POLICY

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval from Cabinet on amendments to the Code of Conduct Policy which outlined arrangements for all council employees including teachers, craft workers and Chief Officials.

Kirstie MacNeill, Service Manager – People and Governance, presented the report. She informed Members that the revised Code of Conduct policy had been benchmarked against seven other Councils, and expanded to include the COSLA Code of Conduct for Local Government Employees, which outlined conflict of interests. This was a consolidating policy which subsumed the current Gifts and Hospitality Policy and incorporated Whistleblowing processes. It would be promoted and widely published throughout the staff base.

In response to questions about engagement with the Trade Unions, Zoe McFadzean, HR Business Partner, reported that there had been considerable engagement regarding this policy, adding that there had been more feedback than usual. Ms MacNeill reported that there had also been engagement at regional Trade Union level. She clarified that Unison and the teaching Trade Unions had been consulted.

Councillor McMillan welcomed the report; the Code of Conduct provided good guidance for staff and he noted that it would be rolled out across all staff sectors.

Decision

The Cabinet agreed to approve the revised Policy, attached at Appendix A, which would be introduced from the date of approval by Cabinet, allowing time for communication of the revised Policy to be issued to all staff.

Signed

Councillor Willie Innes
Council Leader and Convener of the Cabinet

REPORT TO: Cabinet

MEETING DATE: 8 September 2020

BY: Depute Chief Executive - Resources and People Services

SUBJECT: Freedom of Information (Scotland) Act 2002 and Data Protection Act 2018 (GDPR) – Compliance Statistics in 2019

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1 PURPOSE

- 1.1 To report on the Council's compliance with the 20 working day timescale laid down by the Freedom of Information (Scotland) Act 2002 for the calendar year 2019 (i.e.: from 1 January 2019 to 31 December 2019).
- 1.2 To report on the Council's compliance with the one month timescale laid down by the Data Protection Act 2018 (GDPR) for the calendar year 2019 (i.e.: from 1 January 2019 to 31 December 2019).

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to note the report and for Members to provide feedback on the compliance statistics.

3 BACKGROUND

- 3.1 **Freedom of Information (Scotland) Act 2002** - During 2019, East Lothian Council operated in accordance with the statutory requirements, particularly:

Requests for information – to be answered within 20 working days

Requests for review – to be answered within 20 working days by a Chief Officer or an officer nominated by them.

If requesters remained dissatisfied after completing this process, then they had a legal right to appeal to the Scottish Information Commissioner.

3.2 Freedom of Information (FOI) statistics are recorded by People and Governance (previously Licensing, Administration and Democratic Services). Guidance on how to handle information requests, and requests for review, is published on the Council's intranet, accessible to all employees.

3.3 The total number of FOI requests in 2019 was 1,417. By way of comparison, 1,448 requests were received during the previous calendar year, 2018. A decrease of 31 although overall numbers of FOI requests have been increasing steadily since the Freedom of Information (Scotland) Act 2002 came into force.

This figure includes information requests processed under the Environmental Information (Scotland) Regulations 2004 (EIR). A split of the FOI and EIR requests is provided at 3.5 of this report.

3.4 The total number of requests for review received in 2019 was 44. By way of comparison, 87 review requests were received during the previous calendar year, 2018. A decrease of 43.

This figure includes reviews processed under the Environmental Information (Scotland) Regulations 2004 (EIR). A split of the FOI and EIR reviews is provided at 3.6 of this report.

3.5 Since January 2013, the recording system used has distinguished between FOI requests and requests falling within the Environmental Information (Scotland) Regulations 2004 (EIR). The table below provides a breakdown of the response timescales for both FOI and EIR requests in 2019:

	FOI				EIR			
	2019		2018 (for comparison)		2019		2018 (for comparison)	
On time	1,016	93%	413	35%	226	97%	39	21%
Late	72	7%	752	65%	8	3%	149	79%
Cancelled/Withdrawn	26		23		19		3	
Suspended	3		23		7		5	
Invalid	38		39		2		2	
Ongoing	0		0					
TOTAL ACTIONED	1,155		1,250		262		198	

3.6 The table below provides a breakdown of the response timescales for FOI and EIR requests for review in 2019:

	FOI				EIR			
	2019		2018 (for comparison)		2019		2018 (for comparison)	
On time: Within 20 Working Days	19	83%	46	69%	21	100%	15	75%
Late	4	17%	21	31%	0		5	25%
Upheld or partially upheld	11		9		17		2	
Overtuned	6		56		3		18	
Decision reached for the first time (previously we failed to respond).	6		N/A		1		N/A	
Additional Info Provided	0		1		0		0	
Invalid	0		1		0		0	
Still Outstanding	0		0		0		0	
Total Actioned	23		67		21		20	

3.7 The top three categories of enquirer in 2019 were:

- 1) General Public (49%)
- 2) Commercial Organisations (22%)
- 3) Journalists (16%)

3.8 **Data Protection Act 2018 (GDPR)** – with effect from 25 May 2018, East Lothian Council operates in accordance with the statutory requirements, particularly:

Requests for personal information (“Subject Access Requests”) – to be answered within one month

3.9 Data Protection (DP) statistics are recorded by People and Governance (previously Licensing, Administration and Democratic Services). Guidance on how to handle requests for personal information (“Subject Access Requests”) is published on the Council’s intranet, accessible to all employees.

3.10 The total number of DP “Subject Access Requests” received in 2019 was 122. By way of comparison, 79 requests were received during the previous calendar year, 2018.

	2019		2018 (for comparison)	
Completed on time (within 40 calendar days)	N/A	97%	8	58%
Completed on time (within one month)	108		27	
Late	3	3%	25	42%
Suspended	8		19	
Withdrawn	3		0	
Ongoing	0		0	
Total Actioned	122		79	

4 POLICY IMPLICATIONS

4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

6.1 Financial - None

6.2 Personnel - None

6.3 Other – None

7 BACKGROUND PAPERS

7.1 None

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DATE	10 August 2020

REPORT TO: Cabinet

MEETING DATE: 8 September 2020

BY: Head of Development

SUBJECT: Scottish Government Town Centre Fund 2019–20

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1 PURPOSE

- 1.1 To secure approval to amend the project list that will receive Scottish Government Town Centre Fund 19/20 support in the context of COVID_19 and the prospect that no further flexibility will be forthcoming in respect of grant criteria, most specifically when the grant monies require to be fully spent by.

2 RECOMMENDATIONS

- 2.1 That Cabinet approve the change of proposal for inclusion in the Scottish Government Town Centre Fund from the project *Haddington Town Centre: New facilities at Whittingehame Drive to increase public parking availability in support of Town Centre improvements* with a project to re-generate Preston Tower, Doocot and enclosure walls at Prestonpans.
- 2.2 That Cabinet note the following (revised) key deadlines associated with the Town Centre Fund:
- Progress including notification of any underspend to be reported to Scottish Government by November 2020,
 - Funds must be legally committed by end March 2021, and;
 - Funds must be spent by September 2021.

3 BACKGROUND

- 3.1 The Scottish Government allocated £50m in capital funds to Local Authorities for 2019/20. The East Lothian Council allocation is £1,275,000. Funds originally had to be legally committed by end March 2020, and be fully spent by September 2020.
- 3.2 The original timeline for the delivery of projects was significantly challenging. A decision was taken by Council under Summer Recess arrangements to fund the following projects:
- Haddington Town Centre: New facilities at Whittingehame Drive to increase public parking availability in support of Town Centre improvements, *Budget:* £700,000 to £900,000
 - Prestonpans High Street: new public realm at War Memorial and John Muir Way in support of the PSG Great Place (Salt of the Earth) project, *Budget:* £300,000 to £500,000

and if spend couldn't be achieved in full:

- Tranent: extend the Conservation Area Regeneration Scheme, *Budget:* extension of this project would allow for the allocation of up to £200,000.
- 3.3 Scottish Government have since extended legal commitment and spent by dates by 1 year. Scottish Government have indicated that these dates will not be extended any further.
- 3.4 The grant criteria being extended was particularly welcomed however with priorities completely realigned as a result of COVID_19, the Head of Infrastructure has flagged that the Whittingehame Drive cannot be completed within the extended timeframe. The project has also been the subject of significant community representation and, alongside Town Centre Access Strategy work, wide-ranging speculation.
- 3.5 The Prestonpans High Street (War Memorial area improvements) project is progressing and, following a COVID-19 delay whilst bidding firms had staff in furlough, assessment of proposed designs is underway in conjunction with Prestonpans Community Council. The spend for the project is budgeted at £350,000, but could be extended to widen the impact of the intervention using additional funds. In common with the proposal for Preston Tower this project has been identified by the local community via the Preston Seton Gosford Great Place Project as a key opportunity to increase the positive impact of local heritage on the community and local economy.
- 3.6 The original decision provided for an extension to the Tranent CARS scheme if spend against the main project(s) could not be achieved in full. To secure the required extension £50,000 - £100,000 has been allocated to the Scheme with the agreement of Historic Environment Scotland. A small number of additional projects have been secured via the extension

with committed spend of £50,000 - £100,000 from the Town Centre Fund, this the full potential of the Scheme

- 3.7 Officers have re-visited the original options appraisal in the context of the now tighter deadline and reviewed the readiness of potential projects against grant criteria most notably the overall funding deadline to identify a replacement project.
- 3.8 Since the original option appraisal was undertaken, work on Preston Tower / Doocot has been continued with the Scottish Historic Building Trust, National Trust for Scotland, PSG Area Partnership, Prestonpans Community Council, and the PSG Great Place Project. A detailed survey to assess a programme of repair and re-generation of the area was commissioned by the Preston Seton Gosford Area Partnership. This work identified and costed a range of interventions to increase the positive impact the site has within the Town and wider area, and make the attraction safe to receive visitors in the future. The overall aim is to allow safe access inside parts of the buildings, to improve the interpretation and understanding of the group of buildings, to link the site with others in the area as part of a heritage network, and fully utilise the potential of the project and site to address local inequalities. There is considerable scope to combine the physical regeneration of the site with high quality training and education opportunities.
- 3.9 Preston Tower is a late medieval towerhouse originally constructed in the 15th century and then repaired and extended upwards in the 17th century. The Doocot dates to the 17th/18th century. Both structures sit within gardens enclosed by a contemporary boundary wall. Its condition, arrangement, and set of differently dated structures make it a well preserved and exceptional example of a site which serves to contribute to the knowledge of the construction, adaptation, and use of such buildings over a period of several centuries.
- 3.10 The Tower's condition has remained relatively steady over the years, and previous repairs, such as the fitting of the wallhead copes, have helped protect the building and slow deterioration. However, some key areas of the building are now in need of immediate repair, these have been highlighted by the recent condition survey. The Tower is not open to the public as there is no safe means of access. The roof of the Doo'cot is unsafe and there is no public access. The intent is to improve public access and interpretation.
- 3.11 The principal aim of the project is to help reduce local inequalities and contribute to the regeneration of Prestonpans Town Centre in collaboration with the local community. This project links with the intervention at the Prestonpans War Memorial site, which aims to introduce a focal point for the High Street that will direct locals and visitors

to other areas of the Town. The repairs facilitated by the project will slow the deterioration of Preston Tower and Doo'cot, preventing further deterioration and potential loss of architectural and archaeological features, and to sympathetically improve physical and intellectual access; making the buildings safer to enjoy and informing all visitors whilst retaining the unique character of the site. The survey work undertaken identifies a range of interventions and identifies costs for repair, access, and interpretation. The identified cost range is £700,000 to £900,000. No other budget or funding has been identified for these works.

- 3.12 The site has been a Scheduled Ancient Monument since 1936 (SM774). The property is now surrounded by an area of housing, designated as Preston Conservation Area. There are several nearby listed buildings, including A-listed Northfield House and Hamilton House. Although the property is owned by the National Trust for Scotland (NTS), it is under the guardianship of East Lothian Council (ELC).
- 3.13 Context - Prestonpans Town Centre has been negatively impacted by the consolidation of a number of local retail centres in the Town and leakage of comparison & convenience spend to Musselburgh and Edinburgh (good transport links / high proportion of commuters). Investment levels in Prestonpans have been lower than in other centres. The inclusion of regeneration work on Preston Tower & Doo'cot together with the work on the High Street in the context of the PSG Great Place project would see Prestonpans benefit significantly from this grant award providing opportunity to add and enhance attractions and public access to those attractions.

Great Place Project – Currently ongoing, the National Lottery Heritage Fund Great Place Project (the PSG Great Place Partnership) focuses on Ward-wide activities to improve local outcomes through the use of heritage assets (built, cultural, natural). This gives opportunities to explore new / improved uses for Prestonpans Town Centre, including the Town Hall, Preston Tower, Harlaw Hill House, and the High Street and coastline / John Muir Way. The Project has funding for community activities and Officer support only and would be significantly enhanced / expanded by allocation of additional capital investment from the TC Fund.

Impact

The proposed interventions in Prestonpans have significant scope to help reduce local inequalities and promote community involvement, for example: opportunities for high quality training in traditional construction and repairs skills; community involvement in the management of local heritage assets and spatial planning; increasing the attractiveness of the

area to communities and visitors alike; and, providing integrated in-context opportunities for learners.

Consultation

The Area Partnership has identified the above as priorities for action and is leading the Great Place Project with ELC.

- 3.14 Scottish Government have indicated that they will be accepting of the change of use request indicating that the key dates of March 2021 and September 2021 still apply.

4 POLICY IMPLICATIONS

- 4.1 Town Centre fund investment aligns with the Council Plan and East Lothian Plan outcomes.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subjects of this report have been through the Integrated Impact Assessment process and no negative impacts have been identified.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – The grant is for capital expenditure which is additional to that which is already / would otherwise be allocated to the 2019/20 budget, now largely carried forward into 2020/21 and 2021/22, and should not substitute for existing spend.
- 6.2 The Grant conditions stipulate “if the Grantee does not use the grant in prior to the grant deadline, unused grant is to be repaid to the Scottish Government unless otherwise agreed in writing by Scottish Ministers. It is expected that work / contracts will be signed or commenced within 2020-21”. Scottish Government have clarified that they have defined “spent” as where the construction work has commenced or contracts signed, whereby actual delivery of those works may run into the next financial year.
- 6.3 Whilst cost estimates have been undertaken during option identification, a firm understanding of project costs for Preston Tower / Doo’cot will not be secured until work has been tendered. The exact extent and specification of works may need to be flexed to ensure that the Town Centre funds are optimized.
- 6.4 Personnel - grant funding does not allow for additional resource implications to be funded from the award.

7 BACKGROUND PAPERS

- 7.1 Scottish Government Town Centre Fund 2019-20 - East Lothian Council (Summer Recess Arrangements – Standing Order 15.5) - 11 July 2019
- 7.2 Town Centre Fund – Option Appraisal
- 7.3 Town Centre Fund – Capital Grant 2019-20 Allocation – Conditions of grant and supporting schedules.
- 7.4 COSLA Information Session FAQs

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